

SUMMARY OF CONGRESSIONAL TESTIMONY

Delivered by
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U.S. House of Representatives Subcommittee on Commerce, Trade and Consumer Protection
September 25, 2007

The intent of these comments is to provide perspective on a vital question: does entertainment influence violent behavior in our society – or do entertainment products merely reflect an unacceptably violent social environment?

We in the entertainment industry must also ask: how can we balance our right to free expression with our responsibility to avoid appearing to endorse violent behavior – especially in entertainment that is marketed to children.

To address these questions, we must examine some common misperceptions about our industry and products.

First, interactive entertainment is not predominantly consumed by young people. In fact, the average user of our products is 33 years old.

Second, there is no link between the use of our products and violence. In fact, according to the U.S. Justice Department, homicides generally have declined sharply in recent years. Yet, interactive entertainment usage has risen dramatically over the same time frame.

In seeking the root of violent behavior in America today, we must therefore look elsewhere: to the easy access to guns, as well as factors such as domestic abuse, weakening community values, an inadequate educational system, and gang activity.

Nonetheless, entertainment companies must work to ensure that society's youngest, most vulnerable and most impressionable members are not exposed to violence or inappropriate images in our products.

My company and industry have taken numerous measures to ensure that our products are enjoyed responsibly by appropriate audiences.

- The industry produces a broad range of products: 85% of which are appropriate for young players.
- We support and comply with a rigorous, independent rating system from the entertainment software rating board (ESRB) – a system that has been found to be effective by the Federal Trade Commission.
- We market our products in a responsible manner according to the ESRB's standards, designing our advertising and placing our marketing to reach appropriate age groups.
- Interactive entertainment hardware manufacturers have strong parental control options built into their systems.
- The ESRB has various educational and public service programs, as well as partnerships with state attorneys general and the national PTA, to educate and inform parents.

The violence in society will not be cured by restricting ideas on the printed page, movie screens, the evening news, music recordings, or interactive entertainment – any more than covering up a mirror can eliminate the reality it reflects.

However, entertainment companies share the concerns about violence in America and must continue to act responsibly. As an industry, we have been vigilant in our efforts to balance entertainment and freedom of expression with the socially responsible conduct of our business – and we will continue to do so.

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CHAIRMAN RUSH, RANKING MEMBER STEARNS, AND MEMBERS OF THIS SUBCOMMITTEE: I WELCOME THE OPPORTUNITY TO TESTIFY TODAY. I DO SO AS THE FATHER OF THREE CHILDREN, AS A CONCERNED CITIZEN, AND AS THE RECENTLY-NAMED CHAIRMAN OF AN INDUSTRY-LEADING COMPANY THAT PRODUCES A BROAD SPECTRUM OF INTERACTIVE ENTERTAINMENT.

TODAY, I HOPE TO PROVIDE SOME PERSPECTIVE ON A VITAL QUESTION: DOES ENTERTAINMENT INFLUENCE VIOLENT BEHAVIOR IN OUR SOCIETY – OR DOES IT INSTEAD REFLECT A SOCIAL ENVIRONMENT THAT HAS BECOME UNACCEPTABLY VIOLENT? THIS QUESTION IS COMPLEX – AND THE ANSWERS ARE ELUSIVE.

WE IN THE ENTERTAINMENT INDUSTRY MUST ALSO ASK OURSELVES: HOW SHOULD WE BALANCE OUR RIGHT TO FREE EXPRESSION WITH OUR RESPONSIBILITY TO AVOID EXPOSING CHILDREN TO INAPPROPRIATE WORDS AND IMAGES?

BEFORE CONSIDERING THOSE QUESTIONS, LET ME ADDRESS TWO
COMMON MISPERCEPTIONS ABOUT OUR INDUSTRY.

FIRST, INTERACTIVE ENTERTAINMENT IS **NOT** PREDOMINANTLY
CONSUMED BY YOUNG PEOPLE. IN FACT, THE AVERAGE AGE OF OUR
PLAYERS IS 33.

SECOND, THERE IS NO EVIDENCE—NONE—OF A DIRECT LINK BETWEEN
INTERACTIVE ENTERTAINMENT AND VIOLENT BEHAVIOR.

WE CERTAINLY CAN AGREE THAT THE LEVEL OF VIOLENCE IN AMERICA
TODAY IS UNACCEPTABLY HIGH. IN 1990, THE U.S. HOMICIDE RATE WAS
APPROXIMATELY 10 IN 100,000. ACCORDING TO THE BUREAU OF JUSTICE
STATISTICS, THE RATE DROPPED TO 5.6 PER 100,000 IN 2006 – AN
IMPROVEMENT, TO BE SURE, BUT FAR FROM IDEAL.

THIS PERIOD OF DECLINING VIOLENCE COINCIDES WITH THE EMERGENCE
AND DRAMATIC GROWTH OF A NEW FORM OF ART AND ENTERTAINMENT:
THE VIDEO GAME – CLEARLY DEMONSTRATING A LACK OF CORRELATION
BETWEEN THE CONSUMPTION OF OUR PRODUCTS AND THE TREND IN
VIOLENT BEHAVIOR.

THEN WHAT IS AT THE ROOT OF THE UNACCEPTABLY HIGH LEVEL OF VIOLENT BEHAVIOR IN AMERICA TODAY? BEFORE WE ADDRESS THIS QUESTION, WE MUST, AT A MINIMUM, ACKNOWLEDGE THAT ENTERTAINMENT PRODUCED IN THE U.S. IS EQUALLY POPULAR AND AVAILABLE WORLDWIDE – YET THE PER CAPITA RATE OF VIOLENT CRIME IN OUR COUNTRY IS VASTLY GREATER THAN IN ANY OTHER DEVELOPED NATION.

WHAT DISTINGUISHES US FROM OUR NEIGHBORS?

NEARLY 35% OF U.S. HOUSEHOLDS HAVE FIREARMS, AND OUR REGULATIONS REGARDING THE LICENSING, REGISTRATION AND AUTHORIZATION OF GUNS ARE AMONG THE MOST PERMISSIVE IN THE WORLD.

OTHER SOCIAL FORCES MUST ALSO BE CONSIDERED. A 1999 ARTICLE ENTITLED “THE EPIDEMIC OF VIOLENCE IN AMERICA,” IN THE JOURNAL *POSTGRADUATE MEDICINE*, CITED SEVERAL RISK FACTORS, SUCH AS: DOMESTIC ABUSE, WEAKENING COMMUNITY VALUES, AN INADEQUATE EDUCATIONAL SYSTEM, AND GANG ACTIVITY.

ENTERTAINMENT WAS NOT EXEMPTED FROM THIS LIST. WHILE THE ARTICLE DID NOT MENTION MUSIC OR INTERACTIVE SOFTWARE, ITS

AUTHOR NOTED: “THE AVERAGE AMERICAN CHILD SEES MORE THAN 200,000 VIOLENT ACTS ON TELEVISION BEFORE AGE 15.”

IT IS PERHAPS UNDERSTANDABLE THAT MANY CITIZENS, FRUSTRATED BY INTRACTABLE PROBLEMS SUCH AS THE WIDESPREAD AVAILABILITY OF GUNS, DOMESTIC ABUSE, FAILING SCHOOLS, FRACTURED COMMUNITIES AND GANG ACTIVITY, WOULD BE TEMPTED TO FIXATE ON A TARGET THAT SEEMS SOMEWHAT MORE MANAGEABLE: ENTERTAINMENT.

HOWEVER, RESTRICTING IDEAS ON THE PRINTED PAGE, ON THE MOVIE SCREEN, ON THE EVENING NEWS, IN AUDIO RECORDINGS, OR IN INTERACTIVE ENTERTAINMENT WILL NOT ERADICATE VIOLENCE IN OUR SOCIETY – ANY MORE THAN COVERING UP A MIRROR WILL ELIMINATE THE REALITY IT REFLECTS.

THE FACT IS, ALL FORMS OF ENTERTAINMENT MAY CONTAIN WORDS OR IMAGES THAT COULD BE CONSIDERED VIOLENT, AND TO SOME EXTENT THEY ALWAYS HAVE. THAT IS BECAUSE ARTISTS HAVE – AND INDEED MUST HAVE – THE FREEDOM TO EXPLORE ALL ASPECTS OF SOCIETY – THE GOOD, THE BAD AND THE CONTROVERSIAL.

SOME FURTHER BELIEVE THAT EXPOSURE TO DEPICTIONS OF VIOLENCE CAN PLAY AN IMPORTANT ROLE IN THE DEVELOPMENT OF AN

INDIVIDUAL’S MORAL AND SOCIAL OUTLOOK. AS JUDGE RICHARD POSNER OF THE U.S. COURT OF APPEALS FOR THE SEVENTH CIRCUIT WROTE IN 2001, “VIOLENCE HAS ALWAYS BEEN AND REMAINS A CENTRAL INTEREST OF HUMANKIND AND A RECURRENT... THEME OF CULTURE... AS ANYONE FAMILIAR WITH CLASSIC FAIRY TALES... IS AWARE.”

I THINK THE ISSUES INVOLVING ENTERTAINMENT AND VIOLENCE MIGHT BE CLEARER IF WE REVIEW THE STORY LINE OF ONE OF OUR PRODUCTS – *GRAND THEFT AUTO: SAN ANDREAS*. IT IS OFTEN THE CASE – SADLY – THAT AN ARTWORK’S MOST VOCAL CRITICS ARE THOSE WHO HAVE NOT SEEN IT. PLAYING *SAN ANDREAS*, ONE FINDS THAT THIS CINEMATIC INTERACTIVE WORK IS MORE COMPLEX THAN MOST NOVELS OR MOVIES – AND THAT THERE ARE SERIOUS CONSEQUENCES FOR VIOLENT ACTS.

JUST AS *THE SOPRANOS* ON TELEVISION, OR *GOODFELLAS* IN FILM, DEPICT VIOLENT BEHAVIOR AS PART OF A DRAMATIC NARRATIVE INVOLVING CRIME AND REDEMPTION, SO DOES *GRAND THEFT AUTO: SAN ANDREAS*.

AND, UNLIKE TV, MOVIES, OR BOOKS, *GRAND THEFT AUTO* INCLUDES INSTANT FEEDBACK THAT DEMONSTRATES THE DIRE RESULTS OF ANTI-SOCIAL ACTS: THE PLAYER IMMEDIATELY INCREASES HIS “WANTED LEVEL,” WHICH CAN MAKE THE GAME NOT JUST HARD, BUT ACTUALLY IMPOSSIBLE TO PLAY. AT THE HIGHEST LEVEL, THE NATIONAL GUARD IS

MOBILIZED AGAINST THE PLAYER AND THERE IS NO ESCAPE FROM THE LONG ARM OF THE LAW. THERE ARE ALSO EXPLICIT REJECTIONS OF DRUG USE AND RACISM – AND A STRONG MORAL CENTER IN THE AFRICAN AMERICAN HERO.

THAT SAID, THE ENTERTAINMENT INDUSTRY MUST OPERATE IN A RESPONSIBLE MANNER. WE ARE IN THE BUSINESS OF MAKING ART AND ENTERTAINMENT, AND ENGAGING CONSUMERS. TO ACHIEVE THESE GOALS, WE AIM TO ATTRACT UNIQUELY TALENTED INDIVIDUALS AND ENCOURAGE THEM TO EXPRESS FREELY THEIR PASSION AND CREATIVITY.

WE MUST WEIGH OUR CREATIVE IMPULSES AND COMMERCIAL GOALS WITH THE BALLAST OF SOCIAL RESPONSIBILITY. WHILE WE DO NOT CREATE – AND CANNOT PREVENT – VIOLENCE, OUR COMPANIES MUST WORK TO ENSURE THAT SOCIETY’S YOUNGEST, MOST VULNERABLE AND MOST IMPRESSIONABLE MEMBERS ARE NOT EXPOSED TO INAPPROPRIATE SUBJECT MATTER IN OUR PRODUCTS.

I AM PROUD OF THE MEASURES THAT MY COMPANY AND OUR INDUSTRY HAVE TAKEN TO ENSURE THAT OUR PRODUCTS ARE ENJOYED RESPONSIBLY BY APPROPRIATE AUDIENCES.

- FIRST, OUR INDUSTRY PRODUCES A BROAD RANGE OF PRODUCTS, SO THAT CONSUMERS OF ALL AGES HAVE ACCESS TO COMPELLING, ENGAGING AND AGE-APPROPRIATE ENTERTAINMENT. I KNOW THAT ADULT-THEMED ENTERTAINMENT DRAWS A DISPROPORTIONATE LEVEL OF MEDIA ATTENTION. HOWEVER, TITLES RATED “M FOR MATURE” MADE UP ONLY 15% OF TOTAL SALES LAST YEAR, AS COMPARED TO 85% FOR THOSE WITH YOUTH-ORIENTED RATINGS.
- MY OWN COMPANY PUBLISHES A WIDE RANGE OF PRODUCTS, INCLUDING “E” RATED TITLES SUCH AS *CARNIVAL GAMES*, *ROCKSTAR GAMES PRESENTS TABLE TENNIS*, *DORA THE EXPLORER* AND SPORTS TITLES – JUST AS MAJOR MOVIE STUDIOS OFFER FAMILY FARE AS WELL AS “R” RATED FILMS.
- SECOND, THE INTERACTIVE ENTERTAINMENT INDUSTRY OPERATES WITHIN A VOLUNTARY RATING SYSTEM THAT IS RIGOROUS AND INDEPENDENT. AN APRIL 2007 REPORT BY THE FEDERAL TRADE COMMISSION FOUND THAT A HIGH PROPORTION OF PARENTS USE – AND ARE VERY SATISFIED WITH – THAT SYSTEM. THE REPORT ALSO FOUND THAT RETAILERS ENFORCED THE RATINGS AS EFFECTIVELY AS THE MOVIE INDUSTRY. OUR PRODUCT PACKAGES ALSO INCLUDE CONTENT DESCRIPTORS TO INFORM CONSUMERS – AND ESPECIALLY PARENTS – AS TO THE SPECIFIC SUBJECT MATTER OF THE PRODUCTS.

- THIRD, WE MARKET OUR PRODUCTS IN A THOUGHTFUL AND RESPONSIBLE MANNER. WE DESIGN OUR ADVERTISING, MARKETING PLANS AND MEDIA BUYS TO REACH AUDIENCES OF THE APPROPRIATE AGE GROUP, IN ACCORDANCE WITH THE ESRB'S RULES.
- FOURTH, TODAY'S INTERACTIVE ENTERTAINMENT HARDWARE OFFERS ROBUST CONTROL OPTIONS THAT ENABLE PARENTS TO LIMIT A CHILD'S ACCESS TO MATURE CONTENT. THE CONTROLS ALSO WORK FOR R-RATED MOVIES, WHICH MEANS THAT THESE CONSOLES PROVIDE PARENTS WITH TOOLS THAT ARE NOT TYPICALLY AVAILABLE ON COMMERCIAL DVD, CD OR MP3 PLAYERS.
- FIFTH, THE ESRB PRODUCES EDUCATIONAL ADVERTISEMENTS REGARDING THE RATINGS SYSTEM, AND HAS ENTERED INTO PARTNERSHIPS WITH STATE ATTORNEYS GENERAL AND THE NATIONAL PARENT TEACHER ASSOCIATION TO EDUCATE AND INFORM PARENTS. INDIVIDUAL COMPANIES ALSO ARE DOING THEIR PART: TAKE-TWO RUNS BANNER ADS FOR THE ESRB ON OUR HOMEPAGE.

IN MY VIEW, ENTERTAINMENT COMPANIES MAKE A DECISION WITH EVERY RELEASE, AND THAT DECISION MUST BE WELL-CONSIDERED,

THOUGHTFUL AND SOUND. AT TAKE-TWO, EVERY PRODUCT IS REVIEWED BY MEMBERS OF TOP MANAGEMENT – MYSELF INCLUDED. WE WILL NOT RELEASE A TITLE THAT DOES NOT MEET OUR STANDARDS: AS ART, AS ENTERTAINMENT, AND AS A SOCIALLY RESPONSIBLE PRODUCT. ONCE WE DO RELEASE A PRODUCT, I STAND BEHIND IT FULLY AND COMPLETELY.

WE AIM TO DISTINGUISH CREATIVE AND COMPELLING STORY TELLING THAT ADVANCES ARTISTIC EXPRESSION FROM SUBJECT MATTER THAT GRATUITOUSLY EXPLOITS OR GLORIFIES VIOLENCE. AND ALL OF OUR PRODUCTS NEED TO BE RATED AND MARKETED APPROPRIATELY.

WE ALL MUST CONTINUE TO BE THOUGHTFUL AND RESPONSIBLE CITIZENS, PARENTS AND EXECUTIVES. MY CHILDREN WALKED TO SCHOOL IN OUR NATION’S LARGEST CITY THIS MORNING. THEY ARE LISTENING TO ME RIGHT NOW. SO I SHARE YOUR FUNDAMENTAL CONCERN ABOUT VIOLENCE IN AMERICA. I SHARE YOUR CONCERN THAT WE DO EVERYTHING WE CAN TO PROTECT OUR YOUTH. AND ALONG WITH THOSE CONCERNS, I ALSO HAVE CONFIDENCE IN MY CONVICTION: THAT THE INTERACTIVE ENTERTAINMENT INDUSTRY WILL REMAIN VIGILANT IN ITS EFFORTS TO BALANCE ART AND ENTERTAINMENT WITH SOUND JUDGMENT, AND OUR CHERISHED AND UNFETTERED FREEDOM OF EXPRESSION WITH SOCIAL AWARENESS, SENSITIVITY AND RESPONSIBILITY. THANK YOU VERY MUCH.